

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAVAR ROY,

Plaintiff,
-against-

9:19-CV-585 (LEK/ATB)

ALICIA LAPERLA, *et al.*,

Defendants.

DECISION AND ORDER

I. INTRODUCTION

Plaintiff Lavar Roy brings this pro se action against Alicia Laperla, Jean Liu, Mark Beale, and Dr. Ann Marie Sullivan. See Docket. Plaintiff initiated this action on January 24, 2019. Dkt. No. 1 (“Complaint”).

On February 3, 2021, the Honorable Andrew T. Baxter, United States Magistrate Judge, recommended granting Defendants’ motion for summary judgment, Dkt. No. 31 (“Motion”), in its entirety. Dkt. No. 36 (“Report-Recommendation”).

For the reasons that follow, the Court adopts the Report-Recommendation.

II. BACKGROUND

A. Factual History

The facts relevant to Plaintiff’s surviving claims are summarized in the Report-Recommendation, familiarity with which is assumed.

B. Procedural History

On June 21, 2019, this Court found that Plaintiff’s Fourteenth Amendment due process claims against Sullivan, Beale, Liu, and Laperla in their individual capacities survived sua

sponte review and required a response. See Dkt. No. 10. On August 31, 2020, Defendants moved for summary judgment. See generally Mot. Plaintiff failed to respond to the Motion. See Docket. On February 3, 2021, Judge Baxter recommended that the Motion be granted in its entirety. See generally Report-Recommendation.

III. LEGAL STANDARD

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b); see also L.R. 72.1(c). A court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, if no objections are made, or if an objection is general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report-recommendation only for clear error. See Barnes v. Prack, No. 11-CV-857, 2013 WL 1121353, at *1 (N.D.N.Y. Mar. 18, 2013); see also Demuth v. Cutting, No. 18-CV-789, 2020 WL 950229, at *2 (N.D.N.Y. Feb. 27, 2020) (Kahn, J.). "A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." § 636(b).

IV. DISCUSSION

No objections to the Report-Recommendation were filed. See Docket. Accordingly, the Court reviews the Report-Recommendation only for clear error and finds none. See Barnes, 2013 WL 1121353, at *1. Therefore, the Court adopts the Report-Recommendation in its entirety.

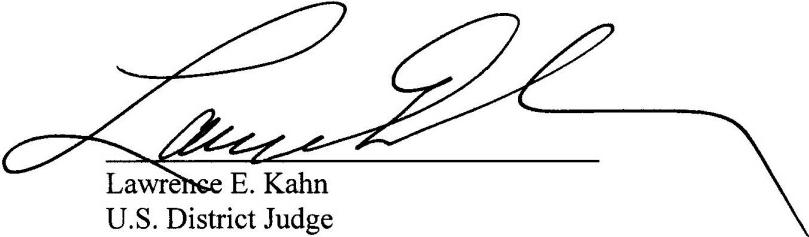
V. CONCLUSION

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 36) is **APPROVED and ADOPTED** in its entirety; and it is further
ORDERED, that Defendants' Motion (Dkt. No. 31) is **GRANTED**; and it is further
ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**; and it is further
ORDERED, that the Clerk shall close this action; and it is further
ORDERED, that the Clerk of the Court shall serve a copy of this Decision and Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: March 15, 2021
Albany, New York



Lawrence E. Kahn
U.S. District Judge